

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BEGASHAW AYELE, PRO SE

Plaintiff

vs

U.S. SECURITY ASSOCIATES, INC.

Defendant

05 11273 WGY

CIV. ACTION NO. _____

RECEIPT # 65072
AMOUNT \$ 250.00
SUMMONS ISSUED _____
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. MP
DATE 6/7/05

MAGISTRATE JUDGE MBB

CIVIL COMPLAINT

THE PARTIES:

1. I, Begashaw Ayele, "AYELE" am an Ethiopian by national origin and a citizen of the United States of America presently residing at 261 O'Callaghan Way #816, So. Boston, MA 02127.

2. Defendant U.S. Security Associate is a Georgia corporation providing security service in several states including the state of Massachusetts located at 262 Washington street Suite 900, Boston, MA. 02116.

PRIOR PROCEEDING

3. On March 15, 2005 plaintiff had filed charge of discrimination with the Equal Employment Opportunity Commission "EEOC" and the Massachusetts Commission Against Discrimination "MCAD" asserting that employer had violated the Civil Rights Act of 1964, "Title VII" (or 42 U.S.C. 2000 et seq. as amended) by denying plaintiff an employment

opportunity on the basis of race (African American) color (black), National Origin (Ethiopian) and in violation of the Americans with Disability Act "ADA" of 1990, as amended. On March 28, 2005, see **EXHIBIT - A** the commission had dismissed the complaint and issued for the plaintiff the Right to sue Letter within ninety (90) days with the Federal court. This civil complaint which satisfy the requirement of administrative proceeding has been filed with this court on June, 22, 2005.

4. In filing this complaint, jurisdiction is conferred with this court under Title 28 U.S.C. §1331, 28 U.S.C §§1332 and/or 28 U.S.C §1343.

5. Venue for all cause of action stated here lies in the City of Boston and the State of Massachusetts as the allegeded misconduct of the employer has took place within the boundary of the city of Boston and the state of Massachusetts.

6. The statutory base of this civil complaint is invoked under Title VII of the civil Rights Act of 1964, 42 U.S.C. 2000 et. Seq. as amended, and 42 U.S.C. 1981 as amended as well as the Americans with Disability Act "ADA" of 1990, as amended.

7. This home-drawn civil complaint has been prepared according to Rule 8(a)(1-3) of the Federal Rule of Civil Procedure.

STATEMENT OF THE FACTS

8. On November 23, 2004, plaintiff had submitted (by hand) a resume and cover letter for a security officer position and subsequently completed the company's job application . In my application I have indicated that I was not able to work on Sunday and overnight shift of any day.

EXHIBIT - A

9. On January 4, 2005, I was interviewed by Shay Pike, Operations Manager for the company and in the interview I have made it clear that my choice of work for the company is between the hours of **3:00pm-11:00pm**, M-F and if needed on Saturday or, if that shift is not available I was also interested to take another work shift including 7:00am-3:00pm, M-F and if needed, Saturday but not Sundays. Furthermore, I told ms. Pike that the reason why I emphasize my disinterest to work on Sundays is because I do not want to have another legal problems with employer as a result of employers' job assignment on my religious day. Furthermore, I have informed Ms. Pike that because of problem in my leg, I left my previous employer and seek a conceriage type job which does not require a lot of walking. Ms. Pike informed me that my wage will not be high as much as to my former employer(s) and firmly asked me if I can take \$8.00-\$9.00 range for either 3:00pm 11:00pm work shift or a slightly modified works shift of 4:00pm-12:00 midnight. Furthermore, I was informed that such offer is conditional because I have to pass 200 security procedure test, attendance of eight (8) hour orientation (without pay) and a background check.

10. On January 5, 2005 a group of three (one natural born African- American, one Caucasian and myself) have taken the test and eight-hour orientation secession. Few days later , on or about January 10, 2005, all the paper works were completed and I was called by the secretary to take the uniform and start the 11:00pm-7:00am work shift on Saturday and Sunday.

11. Plaintiff ask the secretary why the shift promised to me was give to others but no answer was given. The Operations manager in another time stated to me that my desired work shift was not informed to her in the interview nor I indicated in my employment application, and therefore, she can not hire me for that reason as well. Ms. Pike, however, had the plaintiff's application before her when she interviewed me and, therefore, the plaintiff's rejection is on ground of my race, national origin, my health condition, among other things.

12. To review my employment application and related documents, plaintiff had orally requested the employer to send the copy of such documents but was informed that I have to write a letter of request. Accordingly, I have send letter of request by U.S. registered Mail at two different occasions, (the first received without acknowledgement (or signature) and the second under signature) but later the Operation Manager declined to relinquish when such inquiry was made and the reason given in her letter of February 28, 2005 was that *"Massachusetts law does not require that our organization provide you with such copies."*

Plaintiff has been denied employment opportunity for no other reason except discrimination on ground of my race, national reason, perceived disability and retaliation

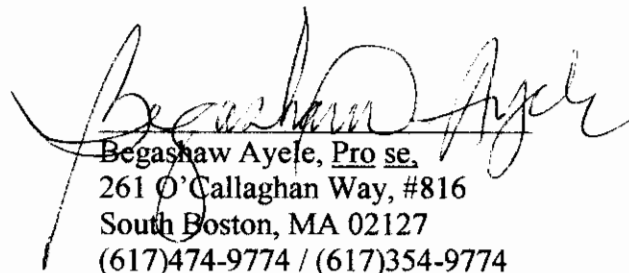
REMEDY REQUESTED

Plaintiff respectfully request the following remedy:

(1) **Jury trial, Injunction**, (2) Full back pay with interest and compounded interest, (3) Punitive (2) and compensatory damage, (4) Attorney fee for being assisted informally, (5) cost and all other related expenses all in the amount deem proper by the court.

Respectfully Submitted,

Dated 6/22/2005

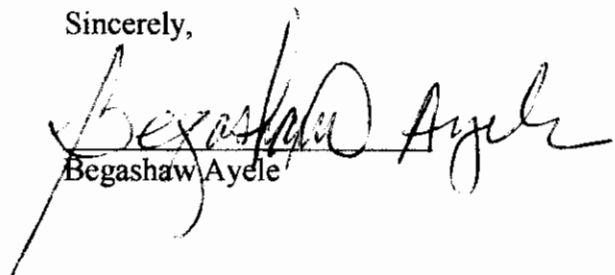

Begashaw Ayele, Pro se,
261 O'Callaghan Way, #816
South Boston, MA 02127
(617)474-9774 / (617)354-9774

CERTIFICATE OF SERVICE

I, the plaintiff Begashaw Ayele, for the above-referenced civil action certify that in addition to hand delivery the same copy of the document, have served to defendant U.S. Security Associate, Inc. the foregoing document titled Plaintiff's "**CIVIL COMPLAINT**" together with the **summon from the court** by U.S Postal Service Certified Mail No. 7007-1010-0001-0796-4076 , postage Prepaid, addressed to: U.S. Security Associates, Inc. 262 Washington Street Suite, 900, Boston, Massachusetts 02109

Dated and served on this the 17th day of June, 2005 at Boston, MA.

Sincerely,


Begashaw Ayele

EEOC Form 161 (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Begashaw Ayele**
261 O'Callahagn Way, # 816
South Boston, MA 02127

From: **Boston Area Office**
John F. Kennedy Fed Bldg
Government Ctr, Room 475
Boston, MA 02203

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

161-2005-00370

Rance A. O'Quinn,
Enforcement Supervisor

(617) 565-3192**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- ☒ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.
- ☐ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

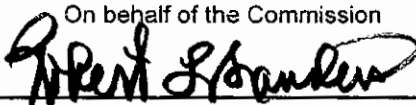
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Robert L. Sanders,
Area Office Director

Enclosure(s)

JUN 17 2005

(Date Mailed)

cc: **U.S. SECURITY ASSOCIATE**
262 Washington Street
Suite 900
Boston, MA 02108

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only)

Begashaw Ayela

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820, 830, 840, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

05 11273 WGY

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☒ NO ☐

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☒

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐ NO ☒

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

BEGASHAW AYELE

ADDRESS

261 O'Callaghan Way #816 So. Boston MA 02127

TELEPHONE NO.

617-474-9774

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BEGAS HAW AYELE

DEFENDANTS

U.S. Security Associates

(b) County of Residence of First Listed Plaintiff

BOSTON

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

Boston/Georgia

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

UNKNOWN (617) 474 9774

Attorney (If known)

05 11273 WGY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE